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PATENT TRADEMARK OFFICE

GP 1643

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PATENT  
Customer Number: 22,852  
Attorney Docket No. 5725.0883-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sylvain KRAVTCHENKO et al.

Application No.: 09/836,600

Filed: April 18, 2001

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Group Art Unit: 1643  
Examiner: Unknown

SEP 26 2002  
SEARCH CENTER 1600/2000

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For: COMPOSITIONS FOR OXIDATION DYEING KERATINOUS FIBERS  
COMPRISING AT LEAST ONE OXIDATION PRECURSOR AND AT LEAST ONE  
DIRECT DYE, AND DYEING METHODS

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Assistant Commissioner for Patents  
Washington, D.C. 20231

OCT 01 2002

Sir:

TC 1700

REQUEST FOR CORRECTION OF PUBLISHED APPLICATION  
UNDER 37 C.F.R. § 1.221(b)

On June 25, 2002, the Office published the above identified Application No. 09/836,600 as Publication No. US-2002-0095732-A1. The published application contains material mistakes that are the fault of the Office. A mistake is material when it affects the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See CFR § 1.221(b).

Attached hereto are copies of pages of the originally filed application and a marked-up copy of the corresponding pages of the published application containing

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the mistakes. The material mistakes, which are indicated in red ink on the marked-up copy of the published application, are as follows:

- 1) At page 1, paragraph [0002], line 3, the compound "ortho-**a** aminophenols" should be replaced with the compound --ortho-aminophenols-- (emphasis added). This mistake is material because it is not clear as to what the "a" (in bold type) signifies in the wording of the compound, thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.
- 2) At page 2, paragraph [0021], lines 2-3, the second occurrence of "pyrrolidines" should be deleted. This mistake is material because the second occurrence of the term is misleading, and thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.
- 3) At page 2, the contents of paragraph [0037] should be merged with paragraph [0036] and not contained in a separate paragraph. The non-merging of these items could affect the public's ability to appreciate the technical disclosure of the patent application publication, and therefore the mistake is material.
- 4) At page 5, paragraph [0110], the compound "amninonitrobenzene" should read: "aminonitrobenzene", so that the "n" is deleted (emphasis added). This mistake is material because the compound "amninonitrobenzene" does not exist, and thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.

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5) At page 5, paragraph [0111], "bis(βhydroxyethyl)aminonitrobenzene" should read: "bis(β-hydroxyethyl)aminonitrobenzene", so that a hyphen is placed in between "β" and "hydroxyethyl." This mistake is material because "β" is not a part of the wording of the group "hydroxyethyl." Rather, the "β" is there to describe the group "hydroxyethyl." Thus, without the hyphen, the public's ability to appreciate the technical disclosure of the patent application publication could be affected.

6) At page 5, paragraph [0112], "bis(βhydroxyethyl)aminonitrobenzene" should read: "bis(β-hydroxyethyl)aminonitrobenzene", so that a hyphen is placed in between "β" and "hydroxyethyl." This mistake is material because "β" is not a part of the wording of the group "hydroxyethyl." Rather, the "β" is there to describe the group "hydroxyethyl." Thus, without the hyphen, the public's ability to appreciate the technical disclosure of the patent application publication could be affected.

7) At page 5, paragraph [0121], "2-amino-3-methyinitrobenzene" should read "2-amino-3-methylNitrobenzene", so that the "i" is replaced with "l" (emphasis added). This mistake is material because the compound "2-amino-3-methyinitrobenzene" does not exist, and thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.

8) At page 5, paragraph [0143], "methIhoxynitrobenzene" should read "methoxynitrobenzene", so that the "l" is deleted (emphasis added). This mistake is material because the compound "methIhoxynitrobenzene" does not exist, and thus

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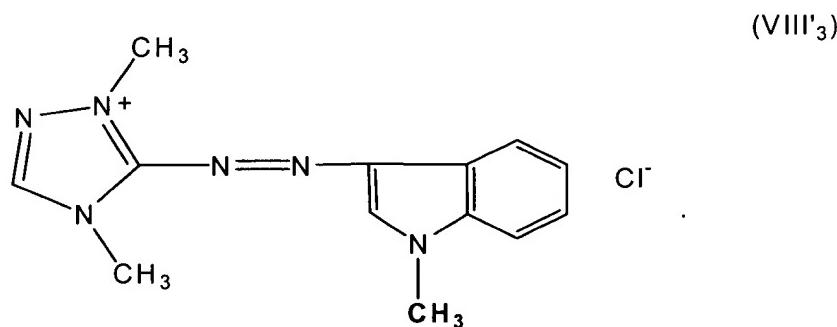
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could affect the public's ability to appreciate the technical disclosure of the patent application publication.

9) At page 6, paragraph [0193], line 2, "aminophenyl" should read "ammoniophenyl" (emphasis added). This mistake is material because the prefixes "amino" and "ammonio" (both in bold type) have different meanings, thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.

10) At page 9, paragraph [0233], "D<sub>1</sub>" should read "D," (i.e., replacing the subscript "1" with a comma (,)) (emphasis added). This mistake is material because it is not clear what "D<sub>1</sub>" signifies in the compounds recited in paragraph [0231], thus affecting the public's ability to appreciate the technical disclosure of the patent application publication.

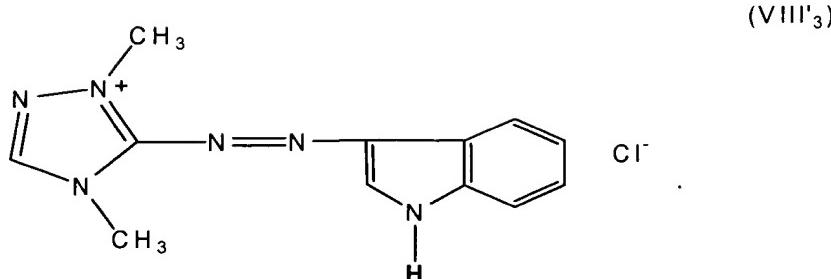
11) At page 17, the compound of formula (VII'3) should read:



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(Emphasis added).

This mistake is material because the “CH<sub>3</sub>” (in bold type) and “H” (in bold type) have different meanings in chemical compound nomenclature, thus affecting the public’s ability to appreciate the technical disclosure of the patent application publication.

12) At page 24, paragraph [0321], lines 1-2, the compound “methacrylamidopropyldimethylamine” should read “methacrylamidopropylidimethylamine”, so that the “i” is replaced with an “l” (emphasis added). This mistake is material because the compound “methacrylamidopropyldimethylamine” does not exist, and thus could affect the public’s ability to appreciate the technical disclosure of the patent application publication.

13) At page 25, paragraph [0332], line 2, dialkyldiallylammonium should read “dialkyldiallylammonium”, so that the “i” is replaced with “l” (emphasis added). This mistake is material because the compound “dialkyldiallylammonium” does not exist, and thus could affect the public’s ability to appreciate the technical disclosure of the

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patent application publication.

14) At page 25, paragraph [0332], line 3, "hiomopolymers" should read "homopolymers", so that the "i" is deleted (emphasis added). This mistake is material because the term "hiomopolymers" does not exist, and thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.

15) At page 26, paragraph [0353], line 2, the "i" in front of the parenthesis should be deleted, as it is unclear what the "i" signifies in the paragraph, and thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.

16) At page 29, the continuation of paragraph [0397] from page 28, at line two of the second chart (Dye Carrier Composition), the trademark name "ORAMIX OG 110 ®" should read "ORAMIX CG 110 ®", so that the "O" is replaced with "C" (emphasis added). This mistake is material because the trademark name with "OG" does not exist, and thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.

17) At page 32, claim 12, the compound "**aminophenyl**" at both occurrences should read "**ammoniophenyl**" (emphasis added). This mistake is material because the prefixes "amino" and "ammonio" (both in bold type) have different meanings, and thus could affect the public's ability to appreciate the technical disclosure of the

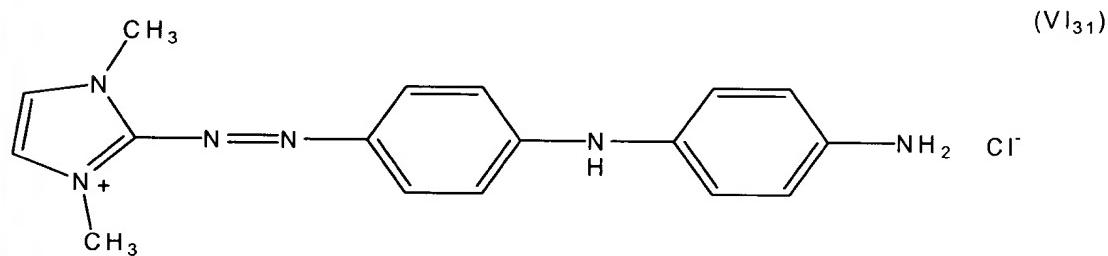
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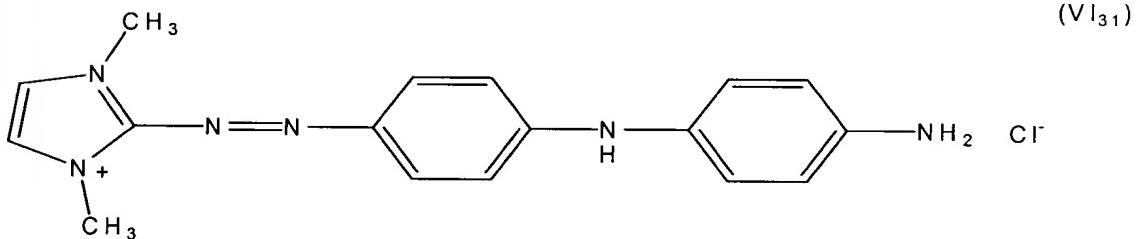
patent application publication.

18) At page 36, claim 18, the group “-N+R<sub>28</sub>(X-)” should read “-N<sup>+</sup>R<sub>28</sub>(X-)” at each of the three occurrences, so that the “+” sign is in superscript. This mistake is material because it signifies a mathematical addition equation, instead of a chemical group, and thus could affect the public’s ability to appreciate the technical disclosure of the patent application publication.

19) At page 38, claim 20, the structure should read:



instead of:



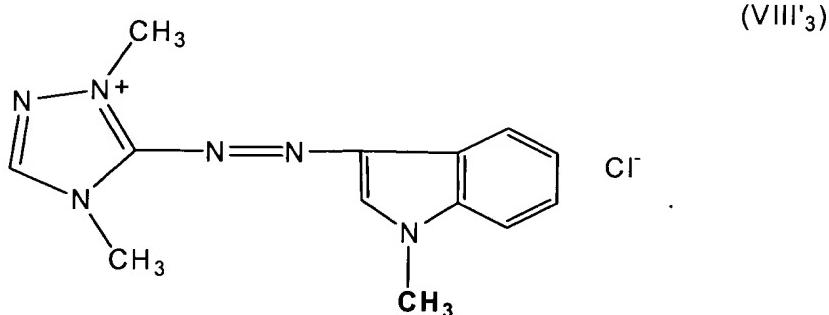
A bond is incorrectly placed on the “N” constituent, and should be placed on the cationic “N+”. This mistake is material because the cationic “N+” must have an

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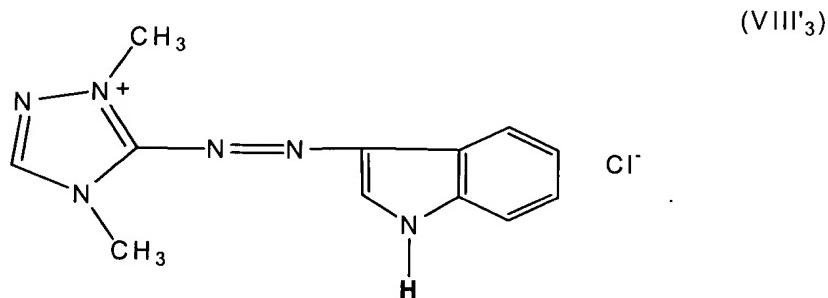
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additional bond, and therefore the public's ability to appreciate the technical disclosure of the patent application publication could be affected.

20) At page 42, claim 23, the structure should read:



instead of:



(Emphasis added).

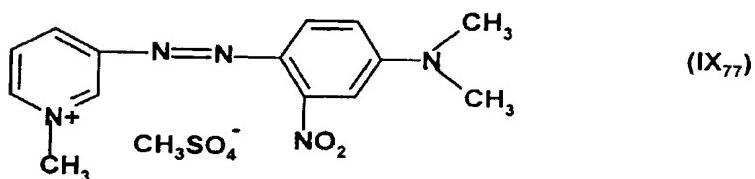
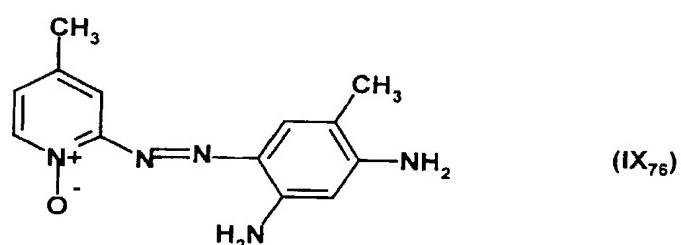
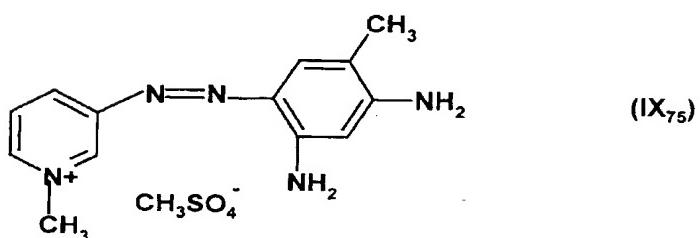
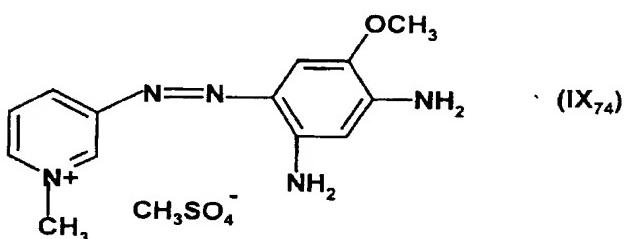
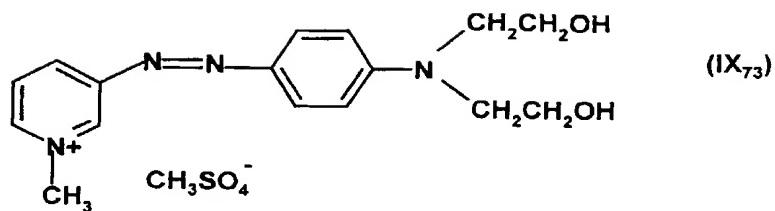
This mistake is material because the "CH<sub>3</sub>" (in bold type) and "H" (in bold type) have different meanings in chemical compound nomenclature, thus affecting the public's ability to appreciate the technical disclosure of the patent application publication.

21) At page 47, claim 24, the following missing structures (IX<sub>73</sub>) – (IX<sub>77</sub>) should be inserted:

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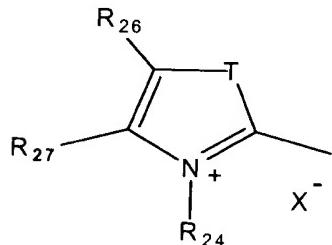
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The non-presence of these compounds in claim 24 is a material mistake, because the claim specifically recites that the compounds are present, thus affecting the public's ability to appreciate the technical disclosure of the patent application publication.

- 22) At page 47, claim 28, lines 2-3, "mmeta-aminophenols" should read "meta-aminophenols", so that the additional "n" is deleted. This mistake is material because the term "mmeta" does not exist in chemical compound nomenclature, thus affecting the public's ability to appreciate the technical disclosure of the patent application publication.
- 23) At page 47, claim 46, line 2, the comma (,) should be deleted, which could affect the public's ability to appreciate the technical disclosure of the patent application publication.
- 24) At page 50, claim 68, the G<sub>2</sub> structure should reads:

G<sub>2</sub>



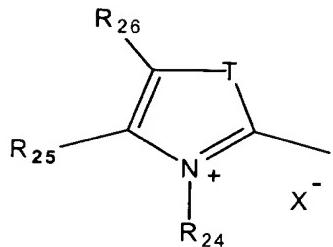
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G<sub>2</sub>



(Emphasis added).

This mistake is material because each "R" refers to a separate constituent, having different meanings, on the compound, thus affecting the public's ability to appreciate the technical disclosure of the patent application publication.

25) At page 50, claim 68, the group "-N+R<sub>28</sub>(X-)" should read "-N<sup>+</sup>R<sub>28</sub>(X-)" at each of the three occurrences, so that the "+" sign is in superscript. This mistake is material because it signifies a mathematical addition equation, instead of a chemical group, and thus could affect the public's ability to appreciate the technical disclosure of the patent application publication.

For at least these reasons, the above mistakes could cause the public to improperly determine the scope of Applicants' provisional rights. Therefore, Applicants request that the Office correct the mistakes in the published application, and forward to Applicants a copy of the corrected published application once it has been corrected.

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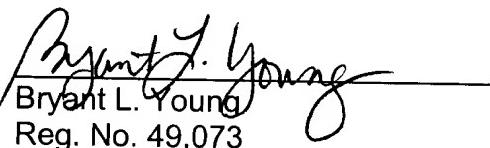
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Applicants believe that no Petition or fee is due in connection with this Request. However, if any Petition or fee is due, please grant the Petition and charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:

  
Bryant L. Young  
Reg. No. 49,073

Date: September 24, 2002

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